
FOREWORD

Link Test Book Generally: Not Your Real DMan.

I renumbered and moved text to get the widest variety of xrefs in a reasonably short book — the numbers should match but the content might not.

Bill Drafting: Transforming Ideas Into Legislation.

A. OVERVIEW

This is here because there's a non-numerical cross-reference to it. I think there are just a handful of xrefs to the Foreword, so they could probably be omitted or dealt with manually. If there's a non-printing marker or some other solution, let me know; I'll try to make it work and get it okayed by those in charge.

B. IDENTIFY THE PROBLEMS AND GOALS

There's an xref to this one, too.

The crucial first step in the process is the requester's identification of the problem and the proposed

There's also some text that's not in the official version but (unlike this page) almost all of it is from the original.

solution. Sometimes the requester's concern is very specific and the method of addressing the concern is evident. Usually, however, you will need to ask the following questions when taking a request:

- (1) No xref to this one, but it's an unusual (to me) QS component.
- (2) Same odd component.

C. THIS IS JUST HERE.

The real version has several pages of similar subunits following, so I left one in. There's also an xref in the original text to ch. 990, stats. Now there's one here, too.

1. GENERAL POLICY AND PROCEDURES

1.001 GLOSSARY: TERMS AND PUBLICATIONS. Become thoroughly familiar with the meaning of various terms and the many legislative documents used in the drafting process:

(1) Act. An act is a bill that has been approved by both houses of the legislature in identical form and is: signed by the governor; neither signed nor vetoed by the governor; or vetoed by the governor and passed notwithstanding that veto. See article IV, section 17, of the constitution and ss. [35.095](#) and [991.11](#), stats. Also see “chapter,” “session law,” and “slip law” (subs. (10), (31), and (33)).

(2) Amendment. An amendment is a proposed change (an addition, substitution, or deletion) to be made in a legislative proposal. See ch. [8](#), *Drafting Manual*. A change or proposed change to a statute in an act or a bill is also an amendment.

(3) Analysis by the LRB. The LRB writes an analysis for all bills and for some substitute amendments, joint resolutions, and resolutions explaining in plain language the substance and effect of the bill, substitute amendment, joint resolution, or resolution. See example 8.01 (2) (A) and secs. [4.03](#), [4.033](#), and [4.036](#), *Drafting Manual*; Joint Rule 63; and s. [13.92](#) (1) (b) 2., stats.

(5) Appropriation. An appropriation is the setting aside, by a legislative act, of an amount of money from the public revenues for a particular use. See ch. [17](#), *Drafting Manual* and the legal section memo on the subject.

(10) Chapter. “Chapter” has two meanings:

(a) When referring to the statutes, “chapter” means the main division or segment of the statutes, such as ch. [8](#).

(b) When referring to the laws enacted during a biennial legislative session before the 1983 session, it means a single act of that session, such as chapter 20, laws of 1981.

(10m) Chief Clerk’s Correction. Chief clerk’s corrections are limited to those authorized by Joint Rule 56, Senate Rule 31, Assembly Rule 36, and s. [35.17](#), stats.

NOTE: See Joint Rule 3 and examples 1.11 (1) and (2).

(13) Constitution. Amendments to the constitution are proposed only by joint resolution. See ch. [4](#), *Drafting Manual*. Section [17.01](#), *Drafting Manual*, contains a list of constitutional provisions governing the procedure that the legislature must follow in enacting a law.

(13m) Cover Sheets. Cover sheets are attached to the front of jacketed copies of bills, resolutions, joint resolutions, substitute amendments, and amendments. See sub. (35m).

(14) Enacting Clause. Every bill must have an enacting clause that reads “*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*.” See article IV, section 17 (1), of the constitution.

(15) Engross. “Engross” means to prepare a bill, joint resolution, or resolution as it was adopted by the house of origin, incorporating any adopted amendments. See sec. 8.02 (1) (b) and (8), *Drafting Manual*. In that case, the LRB incorporates the amendments adopted and any chief clerk’s corrections made in the house of origin and prepares a revised analysis for the engrossed bill, joint resolution, or resolution. See sec. 4.036 (4), *Drafting Manual*, for a discussion of proposals printed engrossed. In rare cases, a substitute or simple amendment may also be printed engrossed. See Joint Rule 63.

(17) Explanative Notes. Explanative notes are notes contained within the body of a bill. Joint Rule 59 authorizes the inclusion of explanative notes in revision and correction bills introduced at the request of the LRB. See Joint Rule 59. Explanative notes are not part of the law. See ch. 8, *Drafting Manual*.

(18) Fiscal Estimate. A fiscal estimate is an estimate of the fiscal effect of a proposal. See s. 13.093 (2), stats., and Joint Rules 41 to 50. Fiscal estimates usually appear with the original printed version of the proposal. See the current edition of the *Fiscal Estimate Manual* and sec. 4.033 (1), *Drafting Manual*.

(19) Interstate Compact. An interstate compact is a contract between two or more states. See sec. 1.02 (1) (b) 1., *Drafting Manual*.

(20) Introduction. In statutory text, an introduction is an unnumbered subunit of a section, subsection, paragraph, or subdivision of the statutes with a colon at the end followed by a list of two

or more items in numbered subunits. See secs. 4.02 (1), 4.05 (2) (am), and 4.06 (4), *Drafting Manual*, and examples 4.05 (2) (A) and (B).

(22m) LRB Number. The LRB number of a draft is the number that appears in the upper right-hand corner of the draft. The LRB number of a draft is assigned electronically when the drafting request is entered. The LRB number of a bill, resolution, or joint resolution contains a hyphen. The LRB number of a substitute amendment contains an “s.” See also “slash number” (sub. (32m)).

(24) Partial Veto. The governor may veto any part of an appropriation bill if what remains is a complete and workable law. See article V, section 10, of the constitution. See also the NOTE following sec. 4.02 (2) (bm), *Drafting Manual*, for a list of the leading cases interpreting the governor’s partial veto power.

(25m) Recall. To recall a bill is to have the bill returned to a house that has already acted on the bill from the other house or from enrolling, for further consideration. See examples 17.06 (A) and (B) and sec. 17.03, *Drafting Manual*.

(26) Relating Clause. It begins with “relating to.” See sec. 4.02 (2), *Drafting Manual*.

(27) Resolution. A resolution is the expression of one house only and requires no action by the other house. See ch. 17, *Drafting Manual*.

(31) Session Law. The acts of the legislature, compiled and published for each biennial session, are called “the session laws.”

(32m) Slash Number. The “slash number” of a draft is the part of the LRB number that appears after the slash.

(33) Slip Law. A slip law is a new enactment printed as a separate sheet or pamphlet. See also “act,” “chapter,” and “session law” (subs. (1), (10), and (31)).

(35m) Stripes. The “stripes” are the striped cover sheets (red for senate, black for assembly) attached by the LRB to every substitute amendment and simple amendment when the amendment is jacketed. See sub. (13m).

(35s) Submit. To submit a draft means to send the draft out of the LRB to the requester. See sec. 1.02 (6s), *Drafting Manual*, concerning the use of the nonsubmittal form.

(36) Substitute Amendment. A substitute amendment may be amended. See example 1.001 (36) and sec. 8.01 (1m), *Drafting Manual*. See also

sec. 4.03 (1) (ae), *Drafting Manual*, concerning the drafting of analyses for substitute amendments.

(40) Veto. The governor has six days (excluding Sunday) to approve or disapprove a bill. See also “partial veto” and “pocket veto” [subs. (32m) and (35m)]. See article V, section 10, of the constitution and the NOTE following sec. 4.02 (2) (bm), *Drafting Manual*.

EXAMPLE 1.001 (36) An example of a substitute amendment. If adopted, the substitute amendment becomes the bill, therefore, the first line begins with “AN ACT.” Note the initial applicability provision picking up offenses committed before the effective date in calculating a penalty for repeat offenses.

State
Seal

State of Wisconsin
2015 - 2016 LEGISLATURE

matrix
code

LRBs9990/1
TNF:skg:ch

**SENATE SUBSTITUTE AMENDMENT ,
TO 2015 SENATE BILL 827**

1 **AN ACT** *to renumber* 346.36; *to amend* 346.075, 346.80 (1) and
2 349.23 (1) (a); and *to create* 346.17 (4), 346.36 (2) and 346.81 (3)
3 of the statutes; **relating to:** rules of the road for bicycles and
4 providing a penalty.

*The people of the state of Wisconsin, represented in senate and
assembly, do enact as follows:*

5 **SECTION 1.** 346.075 of the statutes is amended to read:
6 **346.075 Passing Overtaking and passing bicycles.** The
7 operator of a motor vehicle overtaking a bicycle proceeding in the same
8 direction shall exercise due care, leaving a safe distance, but in no case

9 less than 3 feet clearance when passing the bicycle and shall ~~not again~~
10 ~~drive in the lane in which the bicycle is traveling~~ maintain that clearance
11 until safely clear of ~~past~~ the overtaken bicycle.

12 **SECTION 2.** 346.17 (4) of the statutes is created to read:

13 346.17 (4) Any person violating s. 346.075 may be required to

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SECTION 2

1 forfeit not less than \$25 nor more than \$200 for the first violation and
2 not less than \$50 nor more than \$500 for the 2nd or subsequent violation
3 within 4 years.

4 **SECTION 3.** 346.36 of the statutes is renumbered 346.36 (1).

5 **SECTION 4.** 346.36 (2) of the statutes is created to read:

6 346.36 (2) Any operator of a bicycle violating ss. 346.31 to 346.35
7 may be required to forfeit not more than \$20.

8 **SECTION 5.** 346.80 (1) of the statutes is amended to read:

9 346.80 (1) Unless preparing to make a left turn, every person
10 operating a bicycle upon a roadway carrying 2-way traffic, including an
11 operator who is riding 2 abreast where permitted under sub. (2), shall
12 ride ~~within 3 feet of~~ as near as practicable to the right side edge of the
13 unobstructed traveled roadway. On one-way roads, the operator of the
14 bicycle, including an operator who is riding 2 abreast where permitted
15 under sub. (2), shall ride within 3 feet of as near as practicable to the

16 right side edge or left side edge of the unobstructed traveled roadway.
 17 Every person operating a bicycle upon a roadway shall exercise due care
 18 when passing a standing vehicle or one proceeding in the same direction,
 19 allowing a minimum of 3 feet between ~~his~~ the bicycle and the vehicle.

20 **SECTION 6.** 346.81 (3) of the statutes is created to read:

21 346.81 (3) No bicycle may be equipped with, nor may any bicycle
 22 operator or passenger use, any siren or whistle.

23 **SECTION 7.** 349.23 (1) (a) of the statutes is amended to read:

24 349.23 (1) (a) Designate any ~~sidewalk, highway~~ roadway or

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SECTION 7

1 portion thereof under its jurisdiction as a bicycle lane.

2 **SECTION 8. Initial applicability.**

3 (1) The treatment of section 346.17 (4) of the statutes first applies
 4 to violations under section 346.075 of the statutes occurring on the
 5 effective date of this subsection, but does not preclude the counting of
 6 other violations as prior violations for sentencing a person.

7 **(END)**

1.005 THE CLIENT. (1) Consistent with the supreme court rules of professional conduct, the legislature is the client of the legislative attorneys employed by the LRB. See sec. 1.01 (1m), *Drafting Manual*.

(2) An attorney may not honor a request that would require the attorney to commit an act that is prohibited by the Joint Committee on Legislative Organization under s. 13.90 (1), stats.

1.01 LRB POLICY. (1) The General. It was one of Buster Keaton’s best movies.

(1m) Who May Receive Drafting Services. Attorneys may draft legislative proposals for a long list of folks. See s. 13.92 (1) (b) 1., stats., and Joint Rule 51. A bunch of things are exempt under par. (f).

(b) Introduced drafts. If you receive a request to see the drafting file of a current draft, check with other folks. See sub. (7).

(f) Open record exception to confidentiality requirement. Notwithstanding s. 13.92 (1) (c), stats., an unIntroduced draft may become an open record available for inspection under s. 19.35 (1), stats., if the draft is discussed in an open meeting by a governmental body such as a legislative committee or a board, commission, or council.

(4) Tailor–Made Drafts. When a person with drafting privileges makes a drafting request, produce a draft that, if enacted, would accomplish the legal effect intended by the requester, as you understand it. See sec. 1.02 (1m) (a) and (b), *Drafting Manual*.

(7) Use by Others of Drafting Files and Records. (a) No one may remove any portion of the drafting files from the LRB. See s. 13.92 (1) (a) 3., stats. Only the LRB program assistants are authorized to mess with a drafting file.

(b) Because the LRB is the statutory custodian of drafting records (s. 13.92 (1) (a) 3. and (c), stats.), s. 889.08, stats., authorizes the chief of the LRB to make certified copies of these records. If a drafting record is needed by a court, the chief will certify a copy of the record. See s. 13.92 (1) (a) 3., stats.

1.02 GENERAL DRAFTING PROCEDURE. (1) Taking the Request. Write the instructions for drafting the proposal while talking with the requester. See subs. (1m) and (3) and the Foreword, Parts A and B, *Drafting Manual*, for additional information about taking requests.

(a) Required information. Many elderly persons believe nothing is really required these days, especially good manners.

(b) Optional information. The following optional information may also be provided when entering a request:

1. When the draft is wanted. See sec. 1.01 (1), *Drafting Manual*.

2. The names of agencies or persons whom you may contact concerning the draft.

(1m) Questions to Ask Requester. (a) An important question that is easy to overlook is whom you may contact. See the Foreword and sec. 4.15, *Drafting Manual*.

(b) Generate substantive questions by working through an example with the requester.

NOTE: See sec. 8.01 (1), *Drafting Manual*, for a discussion of factors to consider in determining penalties or other enforcement provisions.

(3) Determining Sections to be Affected. If possible, when taking a request quickly determine the key statutory units that will be affected so that you and the requester understand exactly what is wanted.

(6s) Nonsubmittal. If you do not want a draft submitted, you shouldn’t have written it in the first place, you silly sausage.

NOTE: See sec. 4.033 (1) (c), *Drafting Manual*, concerning removal of the fiscal estimate requirement from an introduced proposal.

(9) Identical or Similar Proposals. If two requesters coincidentally give identical instructions, authorization of the first requester is not required before drafting the measure for the second requester. See sec. 1.01 (1m) (f), *Drafting Manual*, concerning the use of a similar draft as a base document.

(10) Confusing the computer. This is just here to offer an alternative to linking to sec. 1.001 (10), *Drafting Manual*, which is cited elsewhere.

(12) Drafting Files. (a) Except as provided in par. (b), you should also place in the file background material provided by or on behalf of the requester that is relevant to the intended legal effect of the request.

(b) Kind of silly to link to this when it’s so close, but what the hey, it’s automatic.

NOTE: There are far more many cases discussing this than we really want to read. But let’s see what happens to intra-manual xrefs within a note. See also secs. 1.02 (1) (a) 2. and (3), 1.11 (3), and 4.03 (2) (f), *Drafting Manual*, and the legal section memo on judicial use of LRB materials.

(d) Generally, there are a bunch of statutory references in this paragraph and the ones that follow, and a numbered list: 1) fiscal estimates; 2) technical memos received from state agencies and memos or other correspondence relating to the technical memos; 3) chief clerk’s corrections; 4) reports by a joint survey committee under s. 13.50 or 13.52, stats., by the Joint Review Committee on Criminal Penalties under s. 13.525 (5), stats., by the Department of Transportation under s. 13.096 or 13.0965, stats., by the Department of Natural Resources under s. 13.097, stats., by the Public Service Commission under s. 13.0975, stats., or by the Department of Administration under s. 13.099, stats.; and 5) other stuff.

(e) Claims against the state — ss. 16.007, 16.008, 16.53, and 20.505 (4) (d) and ch. 775, stats.

(f) Code of ethics — subch. III of ch. 19, stats.

(ff) Commencement of action and venue — ch. 801, stats.

(ft) Construction of statutory terms — ch. 990, stats.

(h) Court fees and surcharges — ch. 814, stats.

(if) Criminal code general provisions — ch. 939, stats.

(ii) Environmental impact — ss. 1.11, 13.94, and 16.53, stats.

(jg) Joint committee on finance; appropriation and position changes — s. 13.101, stats.

(ji) Legal actions (involving the state) — ch. 775 and ss. 14.11, 165.08, 165.25, 801.11 (3), and 895.46, stats.

(p) Open meetings — subch. V of ch. 19, stats.

(ri) Population estimates — s. 16.96, stats.

(sm) Privacy — s. 995.50 and subch. IV of ch. 19, stats.

(t) Public records — ss. 16.61, 16.611, 16.612, and 16.62 and subch. II of ch. 19, stats.

(tf) Publication of notices — ch. 985, stats.

(ti) Purchasing — subch. IV of ch. 16, stats.

(tt) Resignations, vacancies, and removals — ch. 17, stats.

(v) State budgeting and finance; appropriations — subch. III of ch. 16 and subchs. I and X of ch. 20, stats.

(w) State funds and investments — ch. 25, stats.

(x) State officers and employees — subch. III of ch. 16, subch. X of ch. 20, ch. 40, subch. V of ch. 111, and subchs. II and III of ch. 230, stats.

(zj) Statutes of limitations — ch. 893, stats.

1.11 CONFERENCE REPORT DRAFTING PROCEDURE. (1) Preparation by Attorney. A little would be nice.

(2) Another subterfuge. This is here to confirm the cross-reference below doesn’t point to here.

(3) Preparation of Report. Make sure the report is in the proper form. See examples 1.11 (1) and (2). Draft any new material carefully.

EXAMPLE 1.11 (1) Report of Committee of Conference on 2015 Assembly Bill.

*State
Seal*

State of Wisconsin
2015 - 2016 LEGISLATURE

LRBs9998-conf
PJD:skg:ks

**Report of Committee of Conference on
2015 ASSEMBLY BILL 9999**

The members of the Committee of Conference on 2015 Senate Bill 9999, convened under 2015 Assembly Joint Resolution 70, report and recommend That, by the adoption of this report:

1. *Prior assembly action.* The assembly recedes from its position on Assembly Amendment 11.

2. *Prior senate action.* The senate adheres to its position on Assembly Amendment 11.

Senator James Van Hise
Senate Chairperson

Representative Cletus Allen
Assembly Chairperson

Senator Roland Chamberlain

Representative James Forest

Senator Ernest Kendall

Representative John Princeton

(END)

EXAMPLE 1.11 (2) Report of Committee of Conference on 2015 Senate Bill.

*State
Seal*

State of Wisconsin
2015 - 2016 LEGISLATURE

LRBa9991-conf
PJD:skg:kaf

**Report of Committee of Conference on
2015 SENATE BILL 9999**

The members of the Committee of Conference on 2015 Assembly Bill 9999, convened under 2015 Senate Joint Resolution 32, report and recommend That, by the adoption of this report:

- 1.** Both houses recede from their respective positions on Senate Amendments 1 and 3.
- 2.** The Senate and the Assembly, respectively, adopt and concur in Conference Substitute Amendment 1 (LRBs9998/1), which is attached to and made a part of this report.

Representative Cletus Allen
Assembly Chairperson

Senator James Van Hise
Senate Chairperson

Representative James Forest

Senator Roland Chamberlain

Representative John Princeton

Senator Ernest Kendall

(END)

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4. CONSTRUCTION OF BILLS

4.01 MAJOR ELEMENTS OF A BILL. The major elements of a bill are the title, consisting of the list of sections treated and the relating clause; the analysis by the Legislative Reference Bureau; the enacting clause; and the body. See example 8.01 (2) (B) 1 and Joint Rule 52.

4.02 BILL TITLE. (1) Generally. The bill title lists the statute sections treated, except those treated in nonstatutory terminology and cross-reference change provisions, and all other laws treated, states the nature of the treatment accorded each of them, and states the general subject matter to which the bill relates. See example 8.01 (2) (B) 1, lines 1 to 12.

(2) Relating Clause. (a) Generally. The purpose of the relating clause is to describe the proposal’s *subject matter*, not what the proposal does. See Joint Rule 52 (intro.) and (1).

(b) Special information. Some proposals may be validly passed only if there is a recorded roll call vote (article VIII, section 8, of the constitution), if more than a majority of a quorum votes for them (article IV, section 26, and article VIII, sections 6 and 7, of the constitution), or if the subject is expressed in the title (article IV, section 18, of the

constitution). Joint Rule 52 (1) (d) requires that the relating clause contain certain information. If you do any of the following, include the appropriate information in the relating clause [see par. (br)]:

2. Draft private or local legislation. See par. (d) and sec. 1.11, *Drafting Manual* and article IV, section 18, of the constitution.

4. Impose, modify, or repeal a tax. See article VIII, section 8, of the constitution.

5. Expressly grant rule-making authority. See par. (be) 1. and Joint Rule 52 (1) (d).

8. Authorize state public debt to be contracted by granting bonding authority. See article VIII, sections 6 and 7, of the constitution.

(be) Granting rule-making authority. 1.

a. Include the phrase “granting rule-making authority” when appropriate.

b. Under s. 227.11 (2) (a), stats., each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency.

1m. Although you should not include the phrase “granting rule-making authority” when you direct an agency to promulgate rules that it already has the

authority to promulgate, you probably will once in a while. See subd. 1. a.

2. If you provide an exemption from rule-making procedures, provide an exemption from emergency rule procedures, or extend the time limit for emergency rule procedures, whichever is applicable. See Joint Rule 52 (1) (d) 1.

(bf) *Supporting the suspension of a rule.* If you draft a bill to support the suspension of a rule by the Joint Committee for Review of Administrative Rules, include in the relating clause “the suspension of [a portion of] a rule of the [name of agency].” See sec. 8.02 (1) (a) to (c), *Drafting Manual*.

(bg) *Providing a penalty.* **1.** Under Joint Rule 52 (1) (d) 3., you must specify in the relating clause that a proposal expressly provides for a penalty. Include the phrase “providing a penalty” only if one of the following applies:

- a.** A criminal penalty.
- b.** The amount of an existing fine or forfeiture.
- c.** The language of an existing statutory unit is affected.
- d.** A prohibition is created. For example, if a provision creating a prohibition contains “is guilty of a Class [A to I] [felony or misdemeanor]” or “is subject to a Class [A to E] forfeiture,” include “providing a penalty” in the relating clause.

2. If you create a prohibition to which an existing criminal penalty or an existing forfeiture will apply, do not include “providing a penalty” unless subd. 1. a., b., c., or d. applies.

(bm) *Making an appropriation.* **1.** The purpose of including the phrase “making an appropriation” in a relating clause is to inform the legislature that the requirements of article VIII, section 8, of the constitution apply to the bill. See the NOTE following this paragraph.

2. Include the phrase “making an appropriation” if one of the following applies:

- a.** You create a new appropriation.

d. You add a new purpose to an existing appropriation. (Generally, include the phrase if you change the purpose of an existing appropriation, except as provided in subd. 3. f. and L., by amending the appropriation text.)

3. Unless one of the above actions is also included in the bill, do not include the phrase if:

- a.** You repeal an existing appropriation.
- e.** You decrease the dollar amount of an existing sum certain appropriation.
- f.** You remove a purpose from an existing sum sufficient appropriation.
- L.** You delete a purpose from an existing sum certain appropriation and do some other stuff.

NOTE: The preceding guidelines are based on a legal interpretation of article VIII, section 8, of the constitution, which governs voting and quorum procedures for fiscal laws.

For decisions regarding what constitutes “an appropriation bill” under article V, section 10, of the constitution for partial veto purposes, see *a whole lot of case law*.

(br) *Title of private and local bills.* Article IV, section 18, of the constitution requires the subject of a private or local bill to be expressed in the title.

NOTE: See sec. 1.02, *Drafting Manual*, for discussion of article IV, section 18, of the constitution.

(d) *Special session bills.* Article IV, section 11, of the constitution limits the business of the legislature in special session to that necessary to accomplish the special purposes for which the legislature was convened. See sec. 8.03 (7), *Drafting Manual*, concerning adoption of nongermane amendments.

4.03 ANALYSIS BY LRB; GENERALLY. **(1) When Included.** **(a)** Section 13.92 (1) (b) 2., stats., requires the LRB to prepare analyses for original measures.

(ae) Analyses are required for:

- 1.** All bill drafts, except preliminary drafts.

2. Engrossed bills, engrossed joint resolutions and engrossed resolutions when time permits. See Joint Rule 63 and sec. 4.036 (4), *Drafting Manual*.

3. Joint resolutions affecting the state or federal constitution or the joint rules.

4. Resolutions affecting house rules.

(b) Analyses are not prepared for amendments or for resolutions or joint resolutions other than those described in par. (ae) 3. or 4.

(2) **Purpose.** (a) The purpose of an analysis is to describe a legislative proposal. See example 8.01 (2) (A).

(b) Be accurate. See par. (L).

(e) For a bill, always compare the current law to the proposed law. See sub. (3m) concerning the contents of an analysis for a substitute amendment.

(f) Be careful in writing analyses.

NOTE: See *a whole bunch of cases*.

(g) This provision used “anomaly” components for the definitions, so a couple are left in in case they’re troublemakers:

ADDS: increases the number of categories to which existing law is applicable.

AUTHORIZES: grants permission.

(L) If you must refer to pending litigation, please be brief.

(3m) **Analysis for Substitute Amendment.** (a) In an analysis to a substitute amendment, do not include a fiscal estimate tag or any of the other special information described in sec. 4.033, *Drafting Manual*.

(b) Subsection (1) (ae) explains how to decide whether to prepare an analysis for a substitute amendment.

(c) Not really. I changed that reference.

4.033 ANALYSIS BY LRB; SPECIAL INFORMATION. (1) Fiscal Estimates. (a) The statutes and joint rules state that a fiscal estimate must be prepared every time someone wants to spend our money. See s. 13.093 (2), stats., Joint

Rules 41 to 50, and the *Fiscal Estimate Manual*. See also Senate Rule 96 and Assembly Rule 99. Resolutions do not have fiscal estimates because they do not result in laws. See sec. 17.03, *Drafting Manual*. The agency that knows the most about the subject matter of the bill prepares the fiscal estimate.

(b) After you draft a bill, review it to determine whether it has a state or local fiscal impact under s. 13.093 (2), stats. You may wish to consult the Legal Section memo on the subject.

(c) If a fiscal estimate is required for any bill, as shown by the ending paragraph of the analysis, the jacket will indicate that an “FE” is required. See sec. 1.02 (12) (b), *Drafting Manual*. If a proposal is not redrafted, only the LRB chief may remove the “FE” symbol from the jacket. See Joint Rule 44 (2) (b).

(2) **Other Special Information** (a) 1. Section 13.50 (6), stats., provides that bills that relate to the Public Employees Retirement System must have a report by the Joint Survey Committee on Retirement Systems.

2. Decide whether or not a bill needs a fiscal estimate without regard to the fact that the bill may also be sent to the joint survey committee. If the bill needs a fiscal estimate, follow sub. (1) (b).

(3) **Order of Special Information.** If you include a fiscal estimate “tag” and any of the other kinds of special information described in sub. (2), place the fiscal estimate “tag” last. If you include more than one type of the special information under sub. (2), you may place them in any order.

4.036 ANALYSIS BY LRB; SPECIAL CASES. (1) Proposals with Explanative Notes. (a) The length of the analysis for a bill with notes, such as those introduced by the Joint Legislative Council, depends on the thoroughness and objectivity of the notes. See s. 13.83 (1) (c) 5., stats., and secs. 8.01 and 17.03, *Drafting Manual*. If a bill contains notes, end the analysis with the following sentence:

For further information, see the NOTES provided by (the appropriate agency) in the bill.

(2) Budget Bills. In a budget bill, the analysis includes a guide to the statutory and nonstatutory material in the bill. See the most recent budget bill at your own risk.

NOTE: See secs. 1.02 (12) and 8.02 (3) (a) to (c), *Drafting Manual*.

EXAMPLE 4.036 (4) (A) 1 Analysis for engrossed bill.

Analysis by the Legislative Reference Bureau

Engrossment information:

The text of Engrossed 2015 Assembly Bill 629 consists of the following documents adopted in the assembly on March 13, 2016: the bill as affected by Assembly Amendment 1, Assembly Amendment 2 (as affected by Assembly Amendment 2 thereto), and Assembly Amendment 3 (as affected by Assembly Amendment 1 thereto). In engrossing, SECTION 17 was renumbered SECTION 15v and SECTION 17m was renumbered SECTION 15w, and both sections were relocated to correct the order of these sections.

Content of Engrossed 2015 Assembly Bill 629:

This bill changes dispute settlement procedures in collective bargaining units of local government employees other than law enforcement and fire fighting personnel. The changes include:

EXAMPLE 4.036 (4) (A) 2 Analysis for engrossed bill.

Analysis by the Legislative Reference Bureau

Engrossment information:

The text of Engrossed 2015 Assembly Bill 229, as passed by the assembly on March 5, 2016, consists of the following documents adopted in the assembly on March 4, 2016: Assembly Substitute Amendment 1 as affected by Assembly Amendment 1 (as affected by Assembly Amendment 1 thereto), Assembly Amendments 2, 3, and 8, and Assembly Amendment 15 (items 1 and 3 only).

(4) Proposals Printed Engrossed. (a) Begin the analysis with a description of the proposal. See par. (bj) concerning the inclusion of engrossment information in simple amendments that are printed engrossed. Examples 4.036 (4) (A) 1 and 2 illustrate the structure of the analysis.

(b) The LRB engrosses conflicting amendments

the same way it reconciles conflicting acts. See the preface to the statutes, Part 6, “Implied Amendments and Repeals,” and s. 13.92 (2) (i), stats. If there are any chief clerk’s corrections, state which documents were affected by a chief clerk’s correction. Examples 4.036 (4) (B) 1 and 2 illustrate the structure of the analysis.

EXAMPLE 4.036 (4) (B) 1 Analysis for engrossed bill.

*Analysis by the Legislative Reference Bureau****Engrossment information:***

The text of Engrossed 2015 Assembly Bill 89, as passed by the assembly on June 14, 2015, consists of the following documents adopted in the assembly on June 14, 2015: Assembly Substitute Amendment 1, as affected by the following Assembly Amendments: Assembly Amendment 3, Assembly Amendment 14 (as affected by Assembly Amendment 1 thereto), Assembly Amendment 19, Assembly Amendment 42, Assembly Amendment 53 (as affected by Assembly Amendment 1 thereto), Assembly Amendment 57 (as affected by Assembly Amendments 5, 14, 17, and 18 thereto), Assembly Amendment 69 (as affected by Assembly Amendment 8 thereto), and Assembly Amendment 72. The text also includes the June 20, 2015, chief clerk's corrections to the substitute amendment. Assembly Amendment 14 deleted from Assembly Substitute Amendment 1 the entire text of statute section 71.02 (2) (dm) by SECTION 1252n and of statute section 71.60 (1) (a) by SECTION 1381r. Consequently, the treatment of those statutes by items 336, 337, and 370 of Assembly Amendment 57 could not be given effect.

EXAMPLE 4.036 (B) 2 Analysis for engrossed bill.*Analysis by the Legislative Reference Bureau****Engrossment information:***

The text of Engrossed 2015 Assembly Bill 474 consists of the bill, as passed by the assembly on March 11, 2016, as affected by the following Assembly Amendments adopted in the assembly on March 10, 2016: Assembly Amendments 5, 6, 7, 8 (as affected by chief clerk's correction), 9, and 10; part 1 of Assembly Amendment 11; and Assembly Amendments 12 (as affected by Assembly Amendment 1 thereto), 13 (as affected by Assembly Amendment 1 thereto), 14, 17, 20, 21 (as affected by Assembly Amendment 1 thereto), and 24.

Certain of these amendments affect the same text. In this bill, amendments are reconciled as follows:

1. Assembly Amendment 5 affects s. 758.15 (2) (d), (e), and (g). Assembly Amendment 6 removes s. 758.15. This bill reflects the effect of Assembly Amendment 6.
2. Assembly Amendments 5, 6, and 14 affect s. 767.11 (4). This bill reflects the effect of all of those amendments, which cause incorrect numbering as well as cross-references and text that cannot be reconciled.
3. Assembly Amendments 5 and 9 both affect s. 767.245. This bill reflects the

effect of both of those amendments, which cause incorrect numbering and cross-references.

(bj) Because simple amendments do not have an analysis, use the format in example 4.036 (4) (BJ) for printed engrossed simple amendments. Place the information before line 1 of the amendment.

EXAMPLE 4.036 (4) (BJ) Analysis for engrossed bill.

Analysis by the Legislative Reference Bureau

Engrossment information:

The text of Engrossed Senate Amendment 1 to 2015 Assembly Bill 655 consists of the following documents adopted in the senate on February 27, 2016: Senate Amendment 1, as affected by Senate Amendments 2, 3, 5, 6, 10, 13, and 14 thereto.

(c) In the analysis to an engrossed bill do not include a fiscal estimate tag or any of the other special information in sec. 4.033 (2), *Drafting Manual*.

NOTE: See sec. 8.02 (8), *Drafting Manual*, concerning procedure for having a proposal printed engrossed.

4.04 ENACTING CLAUSE. Article IV, section 17, of the constitution requires that each bill contain an enacting clause as follows: *The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

4.05 BODY OF A BILL. (1) Generally. The body or text of the bill is the actual law.

(2) Section Headings for Sections of a Bill. (a) The proper action directives in the section headings for the various sections of a bill are as follows:

1. Repeal: “48.01 (3) (a) and (b) of the statutes are repealed.”

2. Renumber: “15.105 (3) of the statutes is renumbered 15.105 (4).”

3. Renumber and amend: “236.36 of the statutes is renumbered 116.05 (3) and amended to read:”

“116.05 (3)” This one isn’t marked with a nonref. The first two are.

(am) When you amend or otherwise treat only the introduction of a section, subsection, paragraph, or subdivision, use “(intro.)” in the section heading and at the beginning of the text. See examples 4.05 (2) (A) and (B).

NOTE: See Appendix D, *Drafting Manual*, for examples of shorthand section headings.

EXAMPLE 4.05 (2) (A) A bill amending the text of an introduction in SECTION 1 and the title and text of an introduction in SECTION 2.

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1 AN ACT *to amend* 32.01 (intro.) and 32.02 (intro.) of the statutes;
2 **relating to:** making various changes in the law on eminent
3 domain.

Analysis by the Legislative Reference Bureau

Under current law,

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 32.01 (intro.) of the statutes is amended to read:
5 **32.01 Definitions.** (intro.) In this subchapter ~~unless the context~~
6 ~~clearly requires otherwise:~~

7 **SECTION 2.** 32.02 (intro.) of the statutes, as affected by 2015
8 Wisconsin Act 9999, is amended to read:

9 **32.02 Purposes Who may condemn; purposes.** (intro.) The
10 following departments, municipalities, boards, commissions, public
11 officers and corporations may acquire by condemnation any real
12 estate

13 **(END)**

(3) Arrangement of Bill Sections. (a) *General rule.* If you treat all of the subunits of a statutory section, subsection, or paragraph in the same

manner in a bill, treat them in one bill section, except as provided in par. (b) 2. a. and b. Otherwise,

except as provided in par. (b), each statutory unit should be treated in a separate bill section.

NOTE: See sec. 4.06 (4), *Drafting Manual*, concerning treatment of nonstatutory material.

(b) *Treatment of a combination of statutory units in one bill section.* **1.** As an exception to the general rule of separate bill sections described in par. (a), you *may usually* treat in the same bill section two or more chapters. For example: “chapters

940 to 947 of the statutes are repealed and recreated to read:”. Also, generally, if two or more subsections, paragraphs, or subdivisions of the same section of the statutes are affected by the same treatment, you may treat them in the same bill section even though there are intervening subsections, paragraphs, or subdivisions. For example: “340.01 (1), (2) (a), (c) and (d) and (4) of the statutes are amended to read:”.

2. There are exceptions to the exception described in subd. 1.

EXAMPLE 4.05 (2) (B) A bill amending the title and text of an introduction in SECTION 3 and creating a title for an amended statutory unit in SECTION 4.

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1 **AN ACT** *to repeal* 129.05 (3); and *to amend* 130.065 (1), 130.065 (2)
2 (intro.) and 130.065 (2) (b) of the statutes; **relating to:** sales by
3 transient merchants.

Analysis by the Legislative Reference Bureau

Under current law,

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

you may need to consider doing. Those necessary to draft a bill vary according to the bill's nature. Be sure to read the Foreword, *Drafting Manual*, for a conceptual overview of drafting. Also review the drafting principles in sec. 1.11, *Drafting Manual*.

(14) Draft the relating clause. Does it describe the subject matter of the proposal, including, if applicable, any of the special information specified in sec. 4.02 (2) (b), *Drafting Manual*?

(15) Draft the analysis:

(a) Check the list of statutes in sec. 1.01 (4), *Drafting Manual*. See sec. 4.033, *Drafting Manual*.

(c) Cite and explain case law and attorney generals' opinions decided on constitutional grounds and federal laws and regulations that require, authorize, facilitate, or directly conflict with the bill. See sec. 4.03 (2) (b) to (g), *Drafting Manual*.

(16) Prepare a drafter's note if needed. See secs. 1.02 (12) (e) and 1.11, *Drafting Manual*.

8. AMENDMENTS

8.01 WHAT CONSTITUTES AN AMENDMENT. (1) **Generally.** An amendment to a measure alters it by substituting, inserting, or deleting text.

EXAMPLE 8.01 (2) (A) An example of an amendment in the first house (in this case, the senate) to a substitute amendment adopted in the second house. Note items 3 and 4, where the text affected by an amendment adopted in the first house is treated.

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**SENATE AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 2015 SENATE BILL 615**

- 1 At the locations indicated, amend the substitute amendment as
- 2 follows:
- 3 **1.** Page 58, line 10: delete the material beginning with that line
- 4 and ending with page 59, line 24.
- 5 **2.** Page 83, line 21: delete lines 21 to 23.

3. Page 89, line 23: after that line, on page 1, line 9, of the material inserted by assembly amendment 2, after “Fuel” insert “, including gas, liquefied petroleum,”.

4. Page 116, line 17: after “collections”, after the material inserted by assembly amendment 2, insert “, but in no way to duplicate the tax imposed under sub. (1) (a)”.

(END)

(1m) Substitute Amendments. A substitute amendment takes the place of the original bill, joint resolution, or resolution and is usually prepared when the requester wants substantial changes. See example 1.001 (36).

EXAMPLE 8.01 (2) (B) 1 An amendment to an amendment in the same house.

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**ASSEMBLY AMENDMENT ,
TO ASSEMBLY AMENDMENT 1,
TO 2015 ASSEMBLY BILL 123**

At the locations indicated, amend the amendment as follows:

1. Page 2, line 5: delete “state of”.

2. Page 3, line 3: delete “2” and substitute “4”.

3. Page 4, line 10: after “state of” insert “Wisconsin”.

4. Page 4, line 11: delete “of the statutes is” and substitute “and

6 (2) of the statutes are”.

7 **5.** Page 4, line 13: after that line insert:

8 “(2) ~~Whoever~~ Any person who, with intent to defame,
9 communicates any defamatory matter to a third 3rd person without
10 consent of the person defamed is guilty of a Class A misdemeanor.”.

11 **6..** Page 5, line 1: before “office” insert “Wisconsin”.

12 **7.** Page 6, line 16: delete the material beginning with that line
13 and ending with the period on page 7, line 2.

14 **8.** Page 7, line 10: on lines 10, 14, 19 and 26, delete “council” and
15 substitute “board”.

16 (END)

EXAMPLE 8.01 (2) (B) 2a An amendment in the second house to a bill that was ordered printed engrossed, as shown on line 1 of the amendment.

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**SENATE AMENDMENT 1,
TO 2015 ASSEMBLY BILL 1220**

1 **1.** Page 10, line 11: after “exists” insert “and except as provided in
2 sub. (3m)”.

3 **2.** Page 12, line 24: delete the material beginning with that line
4 and ending with page 13, line 3.

5 **3.** Page 15, line 12: delete “or if her pregnancy is the result of
6 sexual assault or incest”.

7 **4.** Page 16, line 10: delete lines 10 to 13 and substitute “and
8 neonatal care. The materials shall state that fetal”.

9 **5.** Page 18, line 8: after that line insert:

10 “(3m) INAPPLICABILITY. This section does not apply if the woman
11 asserts that her pregnancy is the result of sexual assault or incest.”.

12 **6.** Page 19, line 6: delete the comma and substitute “or”.

13 **7.** Page 19, line 7: delete “or f.”.

14 **(END)**

EXAMPLE 8.01 (2) (B) 2b An example of an amendment in the first house to an amendment adopted in the second house.

- Note item 2: Item numbers for items inserted by an amendment to an amendment (frozen amendment items) are not bold. They are followed by a letter. Items inserting frozen amendment items begin with a single quotation mark (line 4) and end with a quotation mark and a period (line 9) in addition to the period and any quotation mark needed for the frozen amendment item itself.
- Note lines 11 and 12, where the text affected by a previously adopted amendment is treated.

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ASSEMBLY AMENDMENT,

**TO SENATE AMENDMENT 1,
TO 2015 ASSEMBLY BILL 1220**

- 1 **1.** Page 1, line 2: delete lines 2 and 3.
- 2 **2.** Page 1, line 3: after that line insert:
- 3 “1m. Page 10, line 13: delete “At” and substitute “Except as
- 4 provided in sub. (3m), at”.
- 5 1p. Page 11, line 22: after “That” insert “, except as provided in
- 6 sub. (3m),”.
- 7 1r. Page 12, line 1: delete “At” and substitute “Except as provided
- 8 in sub. (3m), at”.
- 9 **3.** Page 1, line 4: delete lines 4 to 9.
- 10 **4.** Page 1, line 11: delete lines 11 and 12, as affected by senate
- 11 amendment 1 to senate amendment 1, and substitute:
- 12 **“(3m) PREGNANCY AS THE RESULT OF SEXUAL ASSAULT OR INCEST. (a)**
- 13 A woman seeking an abortion may waive the 24-hour period required

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- 1 under sub. (3) (c) 1. (intro.) and L. and 2. (intro.) if all of the following are
- 2 first done:
- 3 1. The woman alleges that the pregnancy is the result of sexual
- 4 assault under s. 940.225 (1), (2) or (3) and states that a complaint has

been made under s. 968.01 (2) or (3) about the sexual assault.

2. Whoever provides the information that is required under sub.

(3) (c) 1. or 2., or both, confirms with law enforcement authorities that a

complaint on behalf of the woman about the sexual assault has been

made under s. 968.01 (2) or (3), makes a notation to this effect, and

places the notation in the woman's medical record.

(b) The 24-hour period required under sub. (3) (c) 1. (intro.) and L.

and 2. (intro.) is reduced to at least 2 hours if all of the following are first

done:

1. The woman alleges that the pregnancy is the result of incest

under s. 948.06 (1) and states that a complaint has been made under

s. 968.01 (2) or (3) about the incest.

2. Whoever provides the information that is required under sub.

(3) (c) 1. or 2., or both, confirms with law enforcement authorities that a

complaint on behalf of the woman about the incest has been made under

s. 968.01 (2) or (3), makes a notation to this effect, and places the

notation in the woman's medical record.”.”.

5. Page 1, line 12: delete lines 12 and 13.

(END)

EXAMPLE 8.01 (2) (B) 3 An amendment eliminating material inserted by the first house into a bill that was not printed engrossed.

- Note that senate amendment 14 inserted material after page 44, line 14, and after page 45, line 7. The language beginning with “as affected” on lines 7 to 9 makes it clear that all of the language inserted by senate amendment 14, as well as the original language in the bill, is to be replaced.

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**ASSEMBLY AMENDMENT,
TO 2015 SENATE BILL 1111**

At the locations indicated, amend the bill as follows:

1. Page 44, line 10: after that line, delete the material inserted by senate amendment 14.

2. Page 44, line 12: after that line, delete the material inserted by senate amendment 14.

3. Page 44, line 13: delete the material beginning with that line and ending with page 45, line 7, as affected by senate amendment 14, including the material inserted after page 45, line 7, by senate amendment 14, and substitute:

“SECTION 106m. 49.032 of the statutes, as created by 2015 Wisconsin Act 2589, is repealed.”.

(END)

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PJK:kmg:ch**ASSEMBLY AMENDMENT ,
TO 2015 SENATE BILL 1492**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 8: after “programs” delete the material inserted by
3 senate amendment 1.

4 **2.** Page 3, line 16: delete the material inserted by senate
5 amendment 1, and substitute the following material, which was deleted
6 by senate amendment 1:

7 “**SECTION 3.** 234.18 (1) of the statutes is renumbered 234.18 and
8 amended to read:

9 **234.18 Limit on amount of outstanding bonds and notes.**

10 The authority shall not have outstanding at any one time notes and
11 bonds for any of its corporate purposes in an aggregate principal amount
12 exceeding ~~\$325,000,000~~ \$475,000,000, excluding bonds and notes issued
13 to refund outstanding notes and bonds.

SECTION 4. 234.18 (3) of the statutes is repealed.”.

3. Page 6, line 12: after that line, insert the following material,
which was deleted by senate amendment 1:

“SECTION 17. 234.50 (4) of the statutes is amended to read:
234.50 (4) The limitations established in ss. 234.18 (1), 234.40,
234.60, 234.61, 234.65, and 234.66 are not applicable to bonds issued
under the authority of this section. The authority may not have out-
standing at any one time bonds for housing rehabilitation loans in an
aggregate principal amount exceeding \$100,000,000, excluding bonds
being issued to refund outstanding bonds. The authority shall consult
with and coordinate the issuance of bonds with the building commission
prior to the issuance of bonds.”.

4. Page 8, line 11: after that line, delete the material inserted by
senate amendment 1.

(END)

EXAMPLE 8.01 (2) (B) 5 An amendment in the second house, to a heavily amended bill that was not printed engrossed, deleting material affected by the first house. Note lines 1 and 2, which show that a substitute amendment was adopted in the first house.

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SENATE AMENDMENT.

TO 2015 ASSEMBLY BILL 6150

At the locations indicated, amend the bill, as shown by assembly substitute amendment 1, as follows:

1. Page 4, line 3: after that line, on page 1, lines 16 and 17, of the material inserted by assembly amendment 4, as affected by assembly amendment 3 to assembly amendment 4, delete “provide a copy of the application to appropriate certified collective bargaining agents and shall”.

2. Page 4, line 3: after that line, on page 2, line 2, of the material inserted by assembly amendment 4, delete “, employee or employee representative” and substitute “or employee”.

3. Page 4, line 25: delete the material beginning with that line and ending with page 5, line 12, as affected by assembly amendments 1 and 1 to 1, 5, and 31 and 2 to 31, and substitute “**employee.**”.

4. Page 5, line 12: after that line, delete the material inserted by assembly amendments 1, and 31 and 2 to 31.

(END)

EXAMPLE 8.01 (2) (B) 8 A portion of an amendment in the second house to a bill that was not printed engrossed. Note that lines 1 and 2 show that the first house adopted a substitute amendment.

(2) Simple Amendments. A simple amendment may treat many parts of the measure.

NOTE: See sec. 8.02, *Drafting Manual*, and examples 8.01 (2) (A) and (B) 1 to 8. In general, see Senate Rules 47 to 55 and Assembly Rules 52 to 55.

8.015 THE AMENDMENT PROCESS.

(1) Amendments offered for committee action. Amendments to proposals are often requested for, and offered at, executive sessions held by legislative committees. See Assembly Rule 18 (3) and Senate Rule 27 (3). If a committee does not recommend adoption of an amendment that was offered in committee and the requesting legislator asks to have it prepared for consideration on the floor, redraft the amendment under a new LRB number.

(2) Amendments offered for floor action. A bill, joint resolution, or resolution enters its amendable stage after its second reading, which usually occurs after the house receives a committee report. See sec. 8.02 (8), *Drafting Manual*. If the second house amends a bill or joint resolution, the first house considers only that amendment, not the entire bill or joint resolution.

8.02 PREPARATION OF SIMPLE AMENDMENTS. (1) What is Being Amended. (a) You may write simple amendments to bills, joint resolutions, resolutions, substitute amendments, or amendments.

(b) If the first house makes so many changes to a bill or joint resolution that it is difficult to determine the contents of the measure and if time permits, an engrossed version is printed for the convenience of the second house. See example (2) (d) in sec. 8.11, *Drafting Manual*.

(c) A substitute amendment passed in the house of origin becomes the bill and is the only proposal before the second house, but a substitute amendment passed in the second house remains separate from the bill. See example 8.01 (2) (B) 5, lines 1 and 2. In the first house an amendment to a substitute amendment passed in the second house is an amendment to the substitute amendment. See

example 8.01 (2) (A), lines 1 and 2, and the amendment heading.

(2) Offered in Which House. On the request form, identify the amendment as an assembly or senate amendment.

(a) If the instructions do not indicate the house in which the amendment will be offered, guess.

(b) Normally, the LRB does not accept requests to amend a bill in a house before it reaches that house.

(3) Treatment Involved. (a) An amendment may require striking through statutory material; deleting material inserted by the bill, resolution, or previous amendments; restoring previously stricken material; or inserting new material.

(am) To add material, use “insert.” See example 8.01 (2) (B) 2a, items 1 and 5.

(b) Use “delete” when you remove something from the proposal. See example 8.01 (2) (B) 2a, items 2 and 3.

(bm) To replace deleted material, generally use “delete X and substitute Y.” See example 8.01 (2) (B) 1, item 2 and example 8.01 (2) (B) 3, item 3. However, especially in short changes, you are not required to use “delete” and instead may use, for example:

1. Page 2, line 7: substitute “one 2” for “one”.

When you change the way that the proposal treats existing statutes, delete as appropriate. See sub. (5).

(c) Do not delete or insert punctuation only. Include an adjoining word with the punctuation that you wish to insert. For example:

1. Page 3, line 4: delete “building,” and substitute “building”.

(4) What to Amend. (a) If an amendment clearly expands the subject matter of the proposal, affects the accuracy of the relating clause, or affects any of the information specified in sec. 4.02 (2) (b), *Drafting Manual*, that must be set forth in the relating clause, change the proposal’s relating clause in the amendment. See Joint Rule 52 (7).

(am) For each change, clearly identify the page number, line, and location in the line.

(b) Insert any new section headings or make necessary changes in the existing section headings of the measure. For example:

1. Page 4, line 26: after that line insert:

“**SECTION 3m.** 97.025 (7) of the statutes is created to read:”.

NOTE: Do not end an inserted SECTION number with “a” because there is no room to insert a new SECTION immediately before a SECTION whose number ends with “a.”

(5) Inserting New Material. When you amend a statute, underscore all new statutory material. See example 8.01 (2) (B) 4, lines 3 to 6. If you add material to a statutory unit that is created or repealed and recreated in the original proposal, do not underscore. See example 8.01 (2) (A), page 2, lines 2 to 6.

(8) Engrossment Facilitates Further Consideration. Because a bill or joint resolution printed engrossed incorporates all amendments adopted in the first house, it is easier to draft amendments to the bill or joint resolution in the second house if a bill or joint resolution is printed engrossed. See secs. 1.001 (15) and 4.036 (2), *Drafting Manual*.

NOTE: See Engrossed 1993 Assembly Bill 69; Engrossed 1997 Senate Bill 321; Engrossed 2001 Senate Bill 104; Engrossed 2005 Senate Bill 1; and examples 4.036 (4) (A) 1 and (B) 1 and 2 for examples showing how conflicting amendments are treated in the engrossing procedure.

8.03 GERMANENESS REQUIREMENT.

(1) Generally. Bring any potential germaneness problem to the requester’s attention.

NOTE: See Senate Rule 50 and Assembly Rule 54.

(1e) Who Determines Germaneness. The presiding officer decides germaneness, subject to review by the house. See sub. (7).

(1m) Amendments to Amendments. An amendment to an amendment must be germane to both the original proposal and the amendment that it is amending. See Senate Rule 50 (4) and Assembly Rule 54 (5).

(2) Introduction of Independent, New Subject. An amendment that introduces a new subject is not germane. See Senate Rule 50 (6) (b) and Assembly Rule 54 (1).

(5) Amendments Negating a Bill or Resolution. Amendments that negate or totally alter the nature of a bill or resolution are not germane. See Senate Rule 50 (6) (c) and Assembly Rule 54 (1).

(7) Adoption of Nongermane Amendments. A nongermane amendment may be objected to only in the house in which it is offered when the amendment is taken up. See sec. 4.02 (2) (d), *Drafting Manual*; article IV, section 11, of the constitution; LRB Informational Bulletin 89–IB–2; and the legal section memo on the subject.

(8) Placing in Proper Form. Write your initials in the amendment’s upper right-hand corner. See Assembly Rules 36 and 53 (4) and Senate Rule 49.

8.08 ERRORS. If you find an error make a “chief clerk’s correction” under s. 35.17, stats., Joint Rule 56, and Senate Rule 31 or Assembly Rule 36. See sec. 1.001 (10m), *Drafting Manual*, concerning chief clerk’s corrections.

8.10 GUIDE TO AMENDMENT EXAMPLES.

(1) Amendment to an amendment to a bill, all in the first house: Examples 8.01 (2) (B) 1 and 3.

(3) Amendment to an amendment to a substitute amendment, all in the first house: Example 8.01 (2) (B) 2b.

(4) Amendment in the second house to a bill printed engrossed: Example 8.01 (2) (B) 2a.

(5) Amendment in the second house to a bill not printed engrossed: Examples 8.01 (2) (B) 3 and (3m).

(6) Amendment in the second house to a bill not printed engrossed, substitute amendment adopted in first house: Examples 8.01 (2) (B) 5 and 8.

8.11 EXAMPLES OF TREATMENT OF TYPES OF AMENDMENTS.

<i>Type of Amendment</i>		<i>Title of Amendment</i>	<i>Introductory Clause</i>
(1) Amendments in the 1st House.			
(a)	Simple amdt. to a bill.	SA 1, to 2013 SB 312	At the locations indicated, amend the bill as follows:
(b)	Amdt. to an amdt. to a bill, both in house of origin.	SA 1, to SA 16, to 2013 SB 312	At the locations indicated, amend the amendment as follows:
(c)	Amdt. to a sub. amdt. still in 1st house.	SA 1, to S. Sub. 1, to 2013 SB 411	At the locations indicated, amend the substitute amendment as follows:
(d)	Amdt. to an amdt. to a sub. amdt., all in house of origin.	SA 3, to SA 9, to S. Sub. 1, to 2013 SB 437	At the locations indicated, amend the amendment as follows:
(e)	Amdt. in the 1st house to an amdt. adopted in 2nd house.	SA 1, to AA 18, to 2013 SB 312	At the locations indicated, amend the amendment as follows:
(f)	Amdt. to amend an amdt. in 1st house, that amends an amdt. adopted in 2nd house.	SA 1, to SA 1, to AA 18, to 2013 SB 312	At the locations indicated, amend the amendment as follows:
(g)	Amdt. in 1st house to a sub. amdt. adopted in 2nd house.	AA 3, to S. Sub. 1, to 2013 AB 45	At the locations indicated, amend the substitute amendment as follows:
(2) Amendments in the 2nd House.			
(a)	Amdt. to a bill that passed 1st house without adoption of a sub. amdt.	SA 1, to 2013 AB 192	At the locations indicated, amend the bill as follows:
(b)	Amdt. to an amdt., both in 2nd house.	SA 1, to SA 1, to 2013 AB 192	At the locations indicated, amend the amendment as follows:

<i>Type of Amendment</i>		<i>Title of Amendment</i>	<i>Introductory Clause</i>
(c)	Amdt. in 2nd house when sub. was adopted in 1st house.	AA 1, to 2013 SB 301	At the locations indicated, amend the bill, as shown by senate substitute amendment 1, as follows:
(d)	Amdt. in 2nd house to a bill engrossed and printed on leaving 1st house.	AA 1, to 2013 SB 301	At the locations indicated, amend the engrossed bill as follows:
(e)	Amdt. in 2nd house to an amdt. in 1st house to an amdt. in 2nd house.	SA 1, to AA 1, to SA 1, to 2013 AB 192	At the locations indicated, amend the amendment as follows:
(f)	Amdt. in 2nd house to an amdt. in 1st house, amending the sub. amdt. adopted in the 2nd house.	AA 2, to SA 1, to A. Sub. 1, to 2013 SB 345	At the locations indicated, amend the amendment as follows:
(g)	† Amdt. in 2nd house to an engrossed sub. amdt. adopted in 1st house.	SA 1, to 2013 AB 500	At the locations indicated, amend the bill, as shown by engrossed assembly substitute amendment 1, as follows:
(3) Title for Sub. Amdt. in 2nd House to “Engrossed Bill” of 1st House.			
“SENATE SUBSTITUTE AMENDMENT 1, TO 2013 ASSEMBLY BILL 45.”			

† This example shows a rare occurrence, one in which the first house orders a substitute amendment printed engrossed before adopting the substitute amendment.

17. RESOLUTIONS

17.002 ANALYSIS. Prepare an analysis for each joint resolution that affects the federal or state constitution or the joint rules, directs or requests a study by a legislative committee or the Joint Legislative Council, or provides for an advisory referendum. See sec. 4.03 (1) (ae) 2. to 4., *Drafting Manual*.

17.01 AMENDMENTS TO THE WISCONSIN CONSTITUTION. Amendments to the Wisconsin Constitution may be presented in either house by joint resolution. See ch. 4, *Drafting*

Manual.

17.02 APPROPRIATIONS PROHIBITED. Money may not be appropriated except by law, and “no law shall be enacted except by bill.” See article IV, section 17, and article VIII, section 2, of the constitution.

17.03 LEGISLATIVE RULES. A joint rule is modified by joint resolution; a rule of one house is modified by simple resolution. See Joint Rule 97, Assembly Rule 92, and Senate Rule 92; 2001 AJR–15, and 2005 AR–2 and AR–6.

EXAMPLE 17.06 (A) Recall of a bill from the other house.

*State
Seal*

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2015 ASSEMBLY JOINT RESOLUTION

1 **Relating to:** recalling 2015 Senate Bill 9999 from the senate for further

2 action.

3 ***Resolved by the assembly, the senate concurring, That,*** with
 4 the adoption and concurrence by both houses in this joint resolution,
 5 under Joint Rule 6, 2015 Senate Bill 9999, entitled “an act to authorize
 6 and direct expenditure of \$17,663.16 from the general fund for payment
 7 of 6 claims against the state made by Robert Cannon, Leander Foley, Jr.,
 8 Hugh O’Connell, Robert Landry, John Decker and Robert Curley”, is
 9 returned to the assembly for a roll call vote on concurrence.

10 (END)

EXAMPLE 17.06 (B) Recall of a bill from enrolling and instructions to committee of conference.

*State
Seal*

State of Wisconsin
2015 - 2016 LEGISLATURE

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2015 ASSEMBLY JOINT RESOLUTION

1 **Relating to:** completion of legislative action on 2015 Assembly Bill 1016.

2 ***Resolved by the assembly, the senate concurring, That,*** upon
 3 the adoption of this joint resolution by the assembly and concurrence
 4 therein by the senate:

5 **SECTION 1. Bill recalled from enrolling.** 2015 Assembly Bill
 6 1016, “relating to the Wisconsin retirement system, fixed retirement

7 investment trusts and transferring funds, limiting property tax levies
 8 and state and local expenditures, and dispute settlement procedure in
 9 local government employment”, is recalled from enrolling under Joint
 10 Rules 5 and 6 and Assembly Rule 23 (3) and returned to the assembly.

11 **SECTION 2. Committee of conference.** The committee of
 12 conference created under 2015 Senate Joint Resolution 68 is reconvened
 13 to review the differences, if any, between Conference Amendment 1 and
 14 the agreement reached by the conferees on April 20, 2015. If the

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1 committee of conference agrees that there are differences, it shall submit
 2 to the legislature a new report and attach thereto a simple amendment
 3 correcting, as necessary, the text of 2015 Assembly Bill 1016 as affected
 4 by Conference Amendment 1 thereto.

5 **SECTION 3. Report to senate.** If the committee of conference
 6 agrees on a report under Section 2, it shall submit its report to the
 7 senate for completion of legislative action under Joint Rule 3.

8 **(END)**

17.15 EXAMPLES OF AND AUTHORITY FOR RESOLUTIONS. Prepare:

<u>Resolutions relating to:</u>	<u>Jt.Res.</u>	<u>Res.</u>	<u>Either</u>	<u>Authority</u>	<u>Examples</u>
Adjournment	X	.....	.....	Jt. Rule 13; Art. XII, s. 1; Jt. Rule 57	April 1998 S.S. AJR–1 and SJR–1; Dec. 2007 S.S. SJR–1; see also examples listed in sec. 1.02, <i>Drafting Manual</i>
○ House Rules	.....	X	.....	Art. IV, s.8	1995 SR–2, AR–2, AR–3, AR–31; 2009 AR–4, AR–19; 2011 SR–2, SR–3, SR–21, AR–14, AR–19;
Budget bill deadline ex- tended	X	.....	.....	16.45	1995 SJR–1; 1999 AJR–88, SJR–1; 2009 SJR–8; 2011 SJR–1 section 1 (1m)
Commendation	.....	.....	X or citat.	Jt. Rule 7, A Rule–97, S Rule–98	1999 SJR–31, AJR–8, AJR–80, SR–9, AR–21; 2009 SR–3, AR–12; 2011 SJR–24, AJR–3
○ Revise rules	.....	X	.....	Art. IV, s.8	1985 SR–2
Constitutional convention	X	.....	.....	Art. V, US Con	1989 SJR–24, AJR–125; 1991 SJR–13, AJR–48; 1993 AJR–35; 2007 AJR–60
Convene extraordinary session	X	.....	.....	Jt. Rule 81 (2), A Rule–95 (27m)	1987 AJR–112; 2003 AJR–38
○ Request	.....	.....	X	13.91 (1) (b)	1997 AJR–66, AJR–69, AJR–85; 2001 SJR–62
○ To amend constitution	X	.....	.....	Art. V, US Con, Jt. Rule 58	1991 SJR–16, AJR–45; 1993 AJR–35; 1997 AJR–6, AJR–52, SJR–10; 1999 AJR–26

<u>Resolutions relating to:</u>	<u>Jt.Res.</u>	<u>Res.</u>	<u>Either</u>	<u>Authority</u>	<u>Examples</u>
Recall from enrolling	X	.....	.....	Jt. Rule 60 (2); A Rule–23 (3), 51; S Rule–67 (7)	1991 SJR–92, AJR–113; 2011 AJR–78, SJR–75
Recall from other house	X	.....	.....	Jt. Rule 6, A Rule–73 (8), S Rule–67 (7)	1987 AJR–93, AJR–104, SJR–66; 2011 AJR–15
Session schedule	X	.....	.....	13.02 (3), Jt. Rule 81 (1)	1999 SJR–1; 2003 SJR–1; 2005 SJR–1; 2009 SJR–1; 2011 SJR–1
Special order of business	.....	X	.....	A Rule–33, S Rule–17 (2)	1991 AR–4, AR–24; 1997 AR–14; 1999 AR–31; 2011 AR–5, AR–12, AR–22

APPENDIX D

Shorthand Bill Section Headings

(1) Reminders. (a) All phrases must be preceded by “SEC #.”

(b) You must write out the “as affected” or “as created” phrase as shown in sub. (2) (b) 3. and (e) 4. if the section you are treating was affected or created by an act from a previous session and the phrase must be retained because of a delayed effective date in that act.

(c) You may use the phrase in sub. (2) (e) 5. (shorthand *and* longhand versions) only if all of the subsections are affected by all of the acts. Otherwise, you must treat them in separate bill sections. See also secs. [4.05 \(3\)](#) and [10.01 \(1\) \(g\)](#), *Drafting Manual*.

(d) You must write out the section heading for all subchapter treatments. There are no shorthand versions.

(2) Longhand and Shorthand Phrases.

<i>Longhand Phrase</i>	<i>Shorthand Phrase</i>
(a) TO REPEAL:	
1. 41.40 of the statutes is repealed.	RP;41.40
2. 41.40 (1) and (6) of the statutes are repealed.	RP;41.40 (1) and (6)
3. 41.40 of the statutes, as affected by 2013 Wisconsin Act 34, is repealed.	RP;41.40;aff 2013 WisAct 34
4. Chapter 239 of the statutes is repealed.	RP;Chapter 239
(b) TO RENUMBER:	
1. 41.40 of the statutes is renumbered 41.40 (1).	RN;41.40;41.40 (1)
2. 41.40 (1), (3) and (6) of the statutes are renumbered 41.40 (7), (8) and (9).	RN;41.40 (1), (3) and (6);41.40 (7), (8) and (9)
3. 41.40 of the statutes, as affected by 2013 Wisconsin Act 29, is renumbered 41.40 (1).	RN;41.40;41.40 (1);as affected by 2013 Wisconsin Act 29
(c) TO RENUMBER AND AMEND:	
1. 41.40 of the statutes is renumbered 41.40 (1) and amended to read:	RA;41.40;41.40 (1)
2. 41.40 (1), (3) and (6) of the statutes are renumbered 41.40 (7), (8) and (9) and amended to read:	RA;41.40 (1), (3) and (6);41.40 (7), (8) and (9)

<i>Longhand Phrase</i>	<i>Shorthand Phrase</i>
3. 41.40 (1), (3) and (6) of the statutes are renumbered 41.40 (7), (8) and (9), and 41.40 (7), as renumbered, is amended to read:	none
4. 41.40 of the statutes, as created by 2013 Wisconsin Act 34, is renumbered 41.40 (1) and amended to read:	RA;41.40;41.40 (1);cr 2013 WisAct 34
(d) TO AMEND only titles:	
1. 41.40 (title) of the statutes is amended to read:	AMT;41.40 (title)
2. 41.40 (1) (title), (3) (title) and (6) (title) of the statutes are amended to read:	AMT;41.40 (1) (title), (3) (title) and (6) (title)
3. 41.40 (title) of the statutes, as affected by 2013 Wisconsin Acts 34, 48 and 92, is amended to read:	AMT;41.40 (title);aff 2013 WisActs 34, 48 and 92
(e) TO AMEND:	
1. 41.40 of the statutes is amended to read:	AM;41.40
2. 41.40 (1), (3) and (6) of the statutes are amended to read:	AM;41.40 (1), (3) and (6)
3. 41.40 (1) (title), (3) and (6) of the statutes are amended to read:	AM;41.40 (1) (title), (3) and (6)
4. 41.40 of the statutes, as created by 2013 Wisconsin Act 29, is amended to read:	AM;41.40;as created by 2013 Wisconsin Act 29
5. 41.405(1), (3) and (6) of the statutes, as affected by 2013 Wisconsin Acts 34, 48 and 92, are amended to read:	AM;41.40 (1), (3) and (6);aff 2013 WisActs 34, 48 and 92
(f) TO REPEAL AND RECREATE:	
1. 41.40 of the statutes is repealed and recreated to read:	RC;41.40
2. 41.40 (1), (3) and (6) of the statutes are repealed and recreated to read:	RC;41.40 (1), (3) and (6)
(g) TO CREATE:	
1. 41.40 of the statutes is created to read:	CR;41.40
2. 41.40 (1), (3) and (6) of the statutes are created to read:	CR;41.40 (1), (3) and (6)
3. Chapter 239 of the statutes is created to read:	CR;Chapter 239